

REMARKS

Claims 1-35 are pending in the captioned Application in which claims 1-6, 9-10, 12-17, 19-20 and 22-35 are rejected, and claims 7-8, 11, 18 and 21 are allowed.

Rejection Under 35 U.S.C. §112, ¶2:

Claims 22-33 and 35 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite due to the term “may be” in claims 22, 28, 29, 33 and 35 (line 2).

While Applicant does not agree that the term “may be” as used in these claims is indefinite, Applicant has amended claims 22, 28, 29, 33 and 35 to remove the term and to recite that the terminals are “for receiving” a battery voltage, thereby to eliminate any perceived indefiniteness. Both the original and amended wording are equivalent and state the same purpose for the battery terminals.

This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Accordingly, claims 22-27, 29-31, 33 and 35 are allowable as stated in paragraph 9 of the Office Action.

Withdrawal of the rejection and allowance of claims 22-27, 29-31, 33 and 35 is solicited.

Rejection Under 35 U.S.C. §102(e):

Claims 1, 2, 4, 9, 10, 12, 13, 14, 19, 20, 28, 32 and 34 are rejected under 35 U.S.C. §102(e) as being anticipated by US 6,841,941 to Kim et al.

The rejection is overcome by the Declaration under 37 C.F.R. §1.131 filed herewith which demonstrates conception and reduction to practice of the invention in the United States prior to the filing date of the Kim et al Patent.

The filing date of the Kim et al patent is January 16, 2003, which is less than one year prior to the February 11, 2003, effective filing date of the captioned Application by claim of priority to Applicants' Provisional Application No. 60/446,639 which was filed on February 11, 2003, and to which priority is claimed in the present Application. (Declaration ¶9).

Applicants' Declaration under 37 C.F.R. §1.131 demonstrates that Applicant invented the invention claimed in the captioned Application in the United States prior to the filing date of the Kim patent (Declaration ¶10, 16), and therefore, the Kim patent is removed as a reference. 37 C.F.R. §1.131. The date or dates, if any, marked on the Exhibits thereof have been blanked out as is permitted by MPEP §715.07

Specifically, Applicants' Declaration shows circuit schematic diagrams in Exhibits A-2 and B-1 that are substantially the circuit schematic diagrams of Figures 2 and 3 of the captioned Application, all dated prior to the filing date of Kim et al. (Declaration ¶11-12).

In addition, Exhibit B-2 thereof shows operating data from tests of an embodiment of a circuit according to Exhibit B-1 and Figure 3 of the Application that was constructed and operated for its intended purpose in the United States prior to the filing of Kim et al. (Declaration ¶12-13).

Further, Exhibits C-1 to C-3 thereof show operating data from tests of an embodiment of a circuit that was constructed and operated for its intended purpose in the United States prior to the filing of Kim et al. (Declaration ¶14-15).

Thus, Exhibits A-1 to A-3, B-1 to B-2 and C-1 to C-3 are all dated prior to the Filing Date of The Kim Patent and demonstrate the conception and reduction to practice of the invention described and claimed in the captioned Application by Applicants in the United States prior to the Filing Date of the Kim Patent. (Declaration ¶10, 16).

In addition, Applicants' claims 1, 2, 4, 9, 10, 12, 13, 14, 19, 20, 28, 32 and 34 are patentable for the reasons set forth previously. While Kim et al regulates the power level applied to the lamp and may abruptly reduce the level to which the power is regulated to a lower level, it is submitted that Kim et al does not describe the structure recited by Applicants' claims for de-energizing the lamp when the battery voltage reaches a predetermined voltage.

Accordingly, the rejection under 35 U.S.C. §102(e) is overcome and should be withdrawn, and claims 1, 2, 4, 9, 10, 12, 13, 14, 19, 20, 28, 32 and 34 should be allowed.

Rejections Under 35 U.S.C. §103(a):

Claims 3, 5, 6, 15, 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim et al. The rejection is respectfully traversed.

Kim et al is discussed above, and is removed as a reference. The rejection is overcome by the Declaration under 37 C.F.R. §1.131 filed herewith which demonstrates conception and reduction to practice of the invention in the United States prior to the filing date of the Kim et al Patent.

Applicants' claims 3, 5, 6, 15, 16 and 17 are patentable at least because they depend from one of patentable claims 1 and 12, as well as for the reasons set forth previously.

Accordingly, the rejection under 35 U.S.C. §103(a) is overcome and should be withdrawn, and claims 3, 5, 6, 15, 16 and 17 should be allowed.

This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Comment on the Reasons for Allowance:

Regarding the Examiner's previously stated reasons for indication of allowable subject matter set forth in paragraph 10 of the Office Action, Applicants' previous comment thereon is hereby repeated by reference to the previous response.

Applicants submit that each of the allowed and allowable claims is patentable in its own right because of the particular combination of elements that each recites.

Conclusion:

Applicant respectfully requests that Applicants' Declaration be accepted, that the rejections be withdrawn, and that the Application including claims 1-35 be allowed and passed to issuance.

The number of claims remaining being unchanged, no fee is due therefor in consequence of this timely-filled response. Should any fee be due in consequence of this response, please charge such fee and deposit any refund to Deposit Account 04-1406 of

Dann, Dorfman, Herrell & Skillman.

The Examiner is requested to telephone the undersigned attorney if there is any question or if prosecution of this Application could be furthered by telephone.

Respectfully submitted,
Dann, Dorfman, Herrell & Skillman, P.C.
Attorneys for Applicant(s)

By: 
Clement A. Berard
PTO Registration No. 29,613

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Dann, Dorfman, Herrell and Skillman, P.C.
1601 Market Street, Suite 2400
Philadelphia, PA 19103

Telephone: 215-563-4100
Facsimile: 215-563-4044